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| 09/956,948      | 09/21/2001  | Shiang-Huei Wu       | BHT-3110-119        | 2438             |

7590

02/21/2003

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| EXAMINER |
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|          |              |
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| ART UNIT | PAPER NUMBER |
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2834

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/956,948

**Applicant(s)**

WU, SHIANG-HUEI

**Examiner**

Julio C. Gonzalez

**Art Unit**

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The system disclosed in the claims seems to be implying a perpetual motion machine since rotation of the blades 211 is supposed to give energy to the generator 12 and in turn the generator are located on the axle (figure 3A), which are energized due to the rotation of the own axle. There is no disclosure of how the vehicle will be started. How will the vehicle pick up speed if the generators only produce energy when the vehicle is in motion? What other devices are mentioned in the disclosure so as to aid in the motion/starting of the vehicle? What is the main purpose of generating electricity? Where is this electricity been sent to? How is the electricity been used? What is rotating initially the wheels and for the whole matter, the vehicle?

What happens is the wind force is not strong enough?

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5, 6 and 11 recite the limitation "said set of dedicated generator roller" in claims 5, 6 and 11. There is insufficient antecedent basis for this limitation in the claim.

5. Claims 3, 4, 7, 8, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, what is meant by "dedicated generator roller wheels"? Are these "wheels" also generators? Or are the "wheels" some kind of pulley system, for example, hook up to a generator?

In claim 4, how the rectifier is able to supply electricity to the vehicle or to the battery? How would the rectifier know when to supply electricity to the vehicle or to the battery? What is meant by supplying electricity to the vehicle? The generator? Battery? What is the electricity mainly used for? How the vehicle is able to used efficiently the electricity?

In order to advance prosecution in the merits, the Prior Art will be applied as best understood by the examiner.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamrick.

Hamrick discloses a multiple installation generators having a plurality of generator units (see figure 2) that may be mounted at various areas (see figures 8 and 10) and the generator unit consist of an array facing the wind (see figures 7, 8) and when the vehicle is proceeding forward the wind encounters spin blades 15 which may rotate generators (see figure 6) to produce electricity.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Gardner, Jr.

Gardner, Jr. discloses multiple installation generators 5B, 5C mounted at various positions on a vehicle (see figure 2c) wherein the generator are installed on any of main axles (see figure 2c) such that circumvolution of the axle rotates (see figure 2B) generators to produce electricity (see abstract).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamrick, Davis and Taylor et al.

Hamrick discloses a multiple installation generators having a plurality of generator units (see figure 2) that may be mounted at various areas (see figures 8 and 10) and the generator unit consist of an array facing the wind (see figures 7, 8) and when the vehicle is proceeding forward the wind encounters spin blades 15 which may rotate generators (see figure 6) to produce electricity.

However, Hamrick does not disclose explicitly having blades protruding from the hood.

On the other hand, Davis discloses for the purpose of reducing power lost from a moving vehicle, blades 200 which protrude from the hood (see figure 7) and that a rectifier may be for charging batteries (column 8, lines 11-13).

However, neither Hamrick nor Davis disclose that turbines may be placed on the bottom of a vehicle.

On the other hand, Taylor et al discloses for the purpose of improving battery charging capabilities, an air turbine which is located on the bottom of a vehicle (see figure 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a multiple installation generator as disclosed by Hamrick and to modify the invention by using protruding blades on the hood for the purpose of reducing power lost from a moving vehicle and to use an air turbine on the bottom of a vehicle for the purpose of improving battery charging capabilities as disclosed by Taylor et al.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner, Jr. as applied to claim 3 above, and further in view of Davis.

The combined multiple generator discloses all of the elements above. However, the combined system does not disclose using a rectifier.

On the other hand, Davis discloses for the purpose of reducing power lost from a moving vehicle that a rectifier may be for charging batteries (column 8, lines 11-13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined system above and to modify the invention by using a rectifier for the purpose of reducing power lost from a moving vehicle as disclosed by Davis.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner, Jr. as applied to claim 3 above, and further in view of Hamrick.

The combined multiple generator discloses all of the elements above. However, the combined system does not disclose using a single generator.

On the other hand, Hamrick discloses for the purpose of providing an improved air electrical system that one generator may be used to provide electricity (see figure 1).



It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined system above and to modify the invention by using one generator for the purpose of providing an improved air electrical system as disclosed by Hamrick.

14. Claim 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamrick, Davis, Taylor et al and Gardner et al as applied to claims 1, 2 and 3 above, and further in view of ordinary skill in the art.

The combined multiple generator discloses all of the elements above. However, the combined system does not disclose installing a fifth, sixth, seventh or eighth wheel or the rolling type generator units.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design more wheels for the generator units, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

*Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jcg

February 11, 2003

  
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